

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

<b>EQUAL EMPLOYMENT OPPORTUNITY COMMISSION,</b>	{ } } }	<b>Civil No. 3:16-CV-3328-K</b>
<b>Plaintiff,</b>	{ } }	
<b>v.</b>	{ } }	
<b>OFF THE AIR II, INC., d/b/a NICK'S SPORTS GRILL,</b>	{ } } }	
<b>Defendant.</b>	{ } }	

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**JOINT MEDIATION REPORT**

TO THE HONORABLE UNITED STATES DISTRICT JUDGE:

Pursuant to the Court's Scheduling Order, the parties, Plaintiff Equal Employment Opportunity Commission ("EEOC" or "Commission") and Defendant Off the Air II, Inc., d/b/a Nick's Sports Grill ("Defendant"), file this Joint Mediation Report. The parties report the following:

1. On March 31, 2017, the Court issued its Scheduling Order for the case, ordering the parties to engage in mediation efforts no later than September 1, 2017, and requiring that a Joint Mediation Report be filed by September 8, 2017.
2. On March 9, 2017, the parties met with U.S. Magistrate Paul Stickney in an attempt to settle the case. The parties were unable to resolve the case during this mediation.
3. On August 17, 2017, the parties met with former judge and mediator Harlan A. Martin in an effort to resolve this case. The parties were unable to reach a settlement during this mediation.

4. The parties reconnected the week of September 4, 2017, and reopened the possibility of coming to an agreement with respect to the injunctive and monetary requests made by the EEOC to resolve the matter. Unfortunately, the parties remained substantially apart with respect to the monetary portion of the Consent Decree.
5. Although there have been two formal and several informal attempts to resolve the case, the parties are unable to agree on a monetary settlement amount. Based on the history of negotiations between the parties, it is highly unlikely that resolution of the matter will be reached before trial.

Respectfully submitted,

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